

IMPLEMENTATION TEAM MEETING NOTES

July 3, 2003, 9:00 a.m.-4 p.m.

NATIONAL MARINE FISHERIES SERVICE OFFICES PORTLAND, OREGON

I. Greetings, Introductions and Review of the Agenda.

The July 3, 2003 meeting of the Implementation Team, held at the NOAA Fisheries office in Portland, Oregon, was chaired by Jim Ruff of NOAA Fisheries and facilitated by John Palensky. The meeting agenda and a list of attendees are attached as Enclosures A and B.

The following is a distillation (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from NOAA Fisheries Kathy Ceballos at 503/230-5420 or via email at kathy.ceballos@noaa.gov.

Palensky welcomed everyone to the meeting, led a round of introductions and a review of the agenda.

2. Updates.

A. In-Season Management (TMT). Rudd Turner reported that the TMT met three times in May, twice in June and yesterday; a TMT conference call is scheduled for July 9. In May, he said, we finalized the spring/summer update to the Water Management Plan; that update is now available via the TMT homepage. The freshet is now past; there was a fairly sharp peak, with correspondingly high TDG levels. Runoff was late, so Dworshak released about 16 Kcfs until May 26, at which time natural flows in the Lower Snake River began to pick up. The timing of the runoff, overall, was fortuitous this year, Turner said—we hit 352 Kcfs at McNary on May 30, and 208 Kcfs on May 30 at Lower Granite. Flows then receded fairly quickly.

In early June, we began to release water from Libby for the 800 KAF sturgeon pulse operation for 2003, Turner said, ramping up to full powerhouse discharge for a few days, then dropping back to four units, about 19 Kcfs, to avoid filling and spilling. We also accommodated

a couple of Zone 6 fishery SORs during the May period, Turner said; those SORs requested stable (1.5-foot operating range) pools at Bonneville, The Dalles and John Day.

Libby is now within one foot of full pool, said Turner; at yesterday's TMT meeting, we agreed to operate as needed to avoid fill and spill with a three-unit (14-15 Kcfs) minimum for the next two weeks. Dworshak touched full on July 1, and is now at elevation 1599.6 feet. We agreed to hold 5 Kcfs out from Dworshak through Sunday at midnight, then go up to 10 Kcfs on Monday and 13.8 Kcfs on Tuesday; we may need to reduce the 5 Kcfs somewhat in order to keep the reservoir within a foot of full through the July 4 weekend, Turner said.

Flows at Lower Granite aren't good, currently, Turner continued; the day-average was 36.2 Kcfs yesterday, although that will come up somewhat next week, into the 40s, as Dworshak discharge picks up. McNary released 170 Kcfs yesterday; Bonneville, 180 Kcfs. Water temperatures at Lower Granite and in the lower river are running in the mid-60s, currently, and warming. Turner added that the spring BiOp flow objective of 89 Kcfs was met (90 Kcfs) at Lower Granite; at McNary, the spring seasonal average was just over 231 Kcfs, above the 220 Kcfs objective. At Priest Rapids, the spring seasonal average was about 141 Kcfs, again above the 135 Kcfs spring seasonal target. The summer targets of 50.2 Kcfs at Lower Granite and 200 Kcfs at McNary, respectively, are unlikely to be met – the most recent STP run shows a summer seasonal average of 37 Kcfs at Lower Granite and just over 140 Kcfs at McNary. There are two summer spill tests ongoing in the system, at Ice Harbor and John Day, Turner added; McNary transport got underway on June 27.

With respect to current issues, said Turner, the TMT met yesterday and there are several issues that will need to be resolved before our next meeting on July 9. The first issue is Ice Harbor spill, said Turner; he briefly described the treatments in the ongoing PIT-tag spill test at that project, which represent a significant departure from the normal summer spill program at Ice Harbor. That test ends on July 17; the question is, what do we do during the remaining seven weeks of the Ice Harbor spill season? he said. We discussed several options at yesterday's TMT meeting: no spill, continued bulk spill, continue to alternate bulk and no spill, and fourth, return to BiOp (flat-pattern) spill. There was no consensus reached at yesterday's TMT meeting as to which option is preferred, Turner said; we will need to come to a recommendation at the next scheduled face to face meeting of the TMT on July 16. Turner added that the Corps is also planning to conduct a short-duration balloon-tag study that will provide some additional information on injury rates and survival through the bulk spill condition that may help inform this decision.

The group devoted a few minutes of discussion to the proposed balloon-tag test at Ice Harbor, offering a series of clarifying questions and comments.

The second issue is summer operations at Dworshak, Turner said; there may be a solution in the works, in the form of a one-page operational framework developed by NOAA Fisheries. Essentially, what this plan does is attempt to leave some water in storage for use in September, Turner said. It does start Dworshak flow augmentation and temperature control early, however:

- July 7-20: 14 Kcfs outflow
- July 21-August 10: 12 Kcfs outflow
- August 11-24: 10 Kcfs outflow
- August 25-September 7: 8 Kcfs outflow
- September 8-14: 7 Kcfs outflow

There was general agreement to implement this framework at yesterday's TMT meeting, Turner said; we're going to go to full powerhouse discharge (10 Kcfs) on Monday, July 7, then to full powerhouse plus spill to the 110% gas cap (13-14 Kcfs) on Tuesday, July 8. The initial release temperature will be 48 degrees F, he added. We will re-engage on the Dworshak operation at the July 9 TMT conference call, and we will be adjusting the Dworshak operation as needed on a weekly or bi-weekly basis through the rest of the summer. The bottom line is that it appears that we could have a plan for the 2003 Dworshak summer operation, which hopefully will not require IT dispute resolution, Turner said.

The third issue TMT has been discussing is the Montana proposal for summer 2003 operations at Libby and Hungry Horse Dams, Turner said. On July 1, the TMT received SOR 2003 MT-1, covering Montana's proposed summer operations at those projects. This SOR, supported by Montana Fish, Wildlife and Parks, requests the following specific operations:

- During July, adjust Libby outflows until refill has been achieved while avoiding significant risk of filling and spilling or in failing to fill to less than five feet from full
- Adjust Libby's target outflow as necessary to maintain a stable weekly average outflow that results in drafting Libby to elevation 2449 by the end of September. It is preferred that outflows are held flat or are reduced gradually from July through September
- Establish a weekly average target of 3.7 Kcfs at Hungry Horse Dam
- Adjust the target outflow as necessary to maintain a stable weekly average outflow and draft Hungry Horse to elevation 3550 by the end of September. It is preferred that outflows are held flat or are reduced gradually from July through September.
- Maintain flows out of Libby and Hungry Horse that are at least the minimum flows for bull trout. Minimum bull trout flows are a higher priority than the ending elevations targeted for the storage reservoirs by the end of September.
- Continue to implement bull trout research to measure changes in fish survival and productivity.
- Reduce summer bypass spills at Bonneville Dam to a daily average of 50 Kcfs, ending on August 15 (rather than the planned date of August 31)
- Reduce summer bypass spills at The Dalles Dam to 30 percent of river flow, ending August 15 (rather than the planned date of August 31)
- Conduct the current spill test at John Day Dam and eliminate bypass spill once the test is concluded. This is planned to occur at the end of July.

There are two main changes to our normal operations in this proposal, said Turner – first, the Montana proposal would have us draft Libby to elevation 2449 – 10 feet from full – by September 30, rather than elevation 2439 feet (20 feet from full) by August 31. That will result in a reduction in flow at McNary of about 5 Kcfs during the July 1-August 31 period. The SOR

also proposes some reductions in the summer spill program at the lower river projects to help offset the financial impact of the reduced storage drafts to Bonneville, Turner said.

We did agree on a two-week operation at Libby at yesterday's TMT meeting, Turner said – operate as needed to avoid filling and spilling at that project, but maintain a three-unit (14 Kcfs-15 Kcfs) minimum, at least for the next two weeks.

Jim Litchfield went through the specifics of SOR 2003 MT-1, the full text of which is available as Enclosure C. Please refer to this document for details of the SOR's justification. The group discussed the scientific basis for Montana's SOR; Litchfield agreed to provide a large file of resident fish information compiled by Brian Marotz for IT review. If this is going to come to IT, we need to frame the conversation so that it moves forward, rather than simply re-plowing old ground, said Tony Nigro – we need to come to agreement on information needs and experimental design in order to move the debate forward. Agreed, said Litchfield, but this is a debate that has been ongoing for a long time, and Montana would like to get there as soon as possible.

Ruff noted that, in past years, the action agencies have tried to minimize the annual summer draft of Libby through a Libby-Arrow or a Libby-Duncan swap – in other words, he said, we have not ignored Montana's needs in years past. What is the likelihood of our being able to do that this year? he asked. I was told that there is less than a 50% chance of a Libby-Arrow swap happening this year, presumably because of the planned Canadian reservoir operation, replied Suzanne Cooper. It would be helpful if we could get some additional information on the reasons why a swap cannot be implemented this year, said Ruff.

Litchfield noted that the Montana proposal has not been elevated for IT decision today; however, we will be pressing for a decision at the July 16 TMT meeting, and it is likely that this issue will be coming back to IT, perhaps as soon as July 17, he said. With that in mind, Ruff asked the other IT participants to familiarize themselves with the operations and issues associated with the Montana SOR in preparation for a more intensive discussion two weeks from now.

Nigro observed that, if the Montana proposal was flow-neutral, Oregon would have no objection to its implementation. That's a very high standard, Litchfield replied – I, for one, do not necessarily believe the lower river flow regime is that sacrosanct.

Litchfield then went through the changes to the summer spill regime included in the Montana proposal. Howard Schaller observed that, overall, Montana's recommended experimental design would test only a reduction in flow and spill, while ignoring the effects of increased flow and spill operations. That doesn't make for a very rigorous experimental design, he said. This proposal is to make a change, then monitor the effects of that change and whether the results inform us to either maintain the status quo or make changes, Litchfield replied. With respect to spill, however, we do have a great deal of information, said Ruff; I would suggest that the fishery managers consider what types of studies are needed to get at some of these fundamental questions.

Just an initial response to at least the spill portion of this SOR, Ruff continued – a reduction to the BiOp spill program at Bonneville is an untested condition, and our biologists believe it would likely be detrimental to fish. I thought we tested that condition in 2001, said Litchfield. We did, but it wasn't monitored, Ruff replied.

Nigro observed that, given the fact that this SOR will be coming back to IT for dispute resolution, it would behoove the group to consider how best to design an experiment to answer the questions Montana is posing. He added that, in his view, SOR 2003 MT-1 does not truly reflect the Council's views on spill – to Oregon, at least, that is the most contentious part of the proposal. Nigro added that he has no interest in debating the biological merits and detriments of this SOR; what would be more helpful would be to discuss how we can move forward on this issue and gather the information needed to resolve these questions.

Bill Tweit asked whether Montana would be satisfied if the Libby and Hungry Horse operations requested in the SOR were to be implemented, but the changes to the spill program were not. Litchfield replied that the intent of the SOR was to provide the most effective overall biological operation in the most cost-effective possible way. Frankly, he said, while Montana might be satisfied with the biological benefits provided by their proposed Libby and Hungry Horse operations, the overall regional economic impacts and the financial impacts to Bonneville would likely be unacceptable unless the spill program reductions are also implemented. Tweit said he is somewhat uncomfortable with the way those economic concerns have been subsumed within this SOR; Litchfield replied that, in his view, the IT would be shirking its responsibilities if we ignore financial considerations.

So what needs to happen between now and the 17th? Palensky asked. Jim Litchfield has agreed to provide additional biological information in support of the Montana SOR, Ruff replied; there was also a request to get more information from BPA about the possibility of a Libby-Arrow swap in 2003. Also, he said, since this SOR is being couched in the form of an experiment, we will need to prepare ourselves to have some discussion of what an appropriate experimental design would be to get at some of the questions raised by the Montana proposal.

Cooper provided some rough numbers on the economic impacts of the reduced Libby and Hungry Horse drafts included in the Montana proposal: on the order of \$30 million-\$40 million in this fiscal year. However, in the next fiscal year, much of that water would be released, resulting in a \$20 million-\$30 million benefit in the winter of 2003. The overall effect would be a net \$10 million detriment to Bonneville, she said. With respect to the economic benefit provided by the reduction in spill Montana is proposing, that would yield approximately a \$20 million benefit to Bonneville in FY'03. Ruff asked that Bonneville provide more refined numbers, if possible, to the IT and TMT memberships within the next week.

B. Independent Scientific Advisory Board (ISAB). No ISAB report was presented at today's meeting.

C. Water Quality Team (WQT). No WQT report was presented at today's meeting.

D. System Configuration Team (SCT). Bill Hevlin said that, with respect to the Ice Harbor balloon-tag study, NOAA Fisheries has provided comments to the effect that rainbow trout is an unacceptable surrogate for subyearling chinook, and also that two test treatments are needed – spread spill vs. bulk spill, 3 Kcfs spill vs. 15 Kcfs spill per bay. In other words, we want salmon used in this test, we want a real test of differences in spill treatments, and we want Walla Walla District to understand that message clearly, Hevlin said.

SCT is also starting its prioritization of the FY'04 CRFM program, Hevlin said; we're about two months behind our usual schedule, because of the situation with FY'03 CRFM funding and the need to re-prioritize much of the FY'03 program, given the \$71 million we had to work with because savings and slippage were not restored. The state, tribal and federal caucuses of the SCT are meeting to establish their priorities; we will then engage in a substantive discussion of the FY'04 program at the SCT's July 17 meeting. We hope to reach agreement at least on the highest funding priorities at that meeting, he said; we will then work through the medium and low priorities – the “bubble” items – as we get a better idea of the Congressional appropriation level.

Hevlin said the President has requested \$91 million for the CRFM program in FY'04, but it is unlikely that Congress will award that full amount. In addition, if everything on the current FY'04 spreadsheet is funded, the total cost of the program would be \$111 million, so obviously, we have our work cut out for us this summer, Hevlin said. He added that, if more savings and slippage are not restored to the FY'03 CRFM budget, an additional \$6 million in funding for already-committed FY'03 line-items will have to come off the top of the FY'04 CRFM appropriation.

The discussion turned to the cost of removable spillway weir construction; Tweit said that, in his view, given the financial benefits the RSW provides to Bonneville (in the form of reduced spill volumes and cost) it might be appropriate for Bonneville to bear at least the power portion of the construction cost of these items. We pay the power share of the capital costs of all of the construction items in the CRFM budget once they are in service, Cooper replied – they become part of BPA's debt. We're not going to resolve this today, said Tweit, but it is a concept that I think bears further discussion in the future.

The design of the Chief Joseph flow deflectors is now well underway, Hevlin said.

E. TMDL Update. No TMDL update was presented at today's meeting.

F. Water Quality Plan Work Group. The WQPG met yesterday, said Ruff; you will recall that we previously developed a list of water quality items at each project and have now agreed on our priorities for the top 10 water temperature and gas abatement actions. Many of those gas abatement actions are already included in the CRFM budget, including the Chief Joseph spill deflectors and the Chief Joseph/Grand Coulee spill-generation swap, which came out as the top two gas abatement actions, Ruff said. Dave Wills, of USFWS, will report the group's rankings of these temperature and gas abatement projects to the SCT on July 17.

3. Discussion of FCRPS Action Agencies' 2004-2008 Implementation Plan.

Jim Athearn said the action agencies are currently working on the FY'03 check-in report; the next major project we'll be working on is the next round of implementation plan development covering 2004-2008 -- in other words, and annual implementation plan for FY'04, and a five-year plan covering 2004-2008. We would like to finalize these plans in time for them to accompany the submission of our FY'03 check-in report in September, Athearn said. He distributed a handout (Enc. E) titled "Corps, BPA and Reclamation Implementation Planning for FY'04-FY'08." He asked the IT membership to look at the previous plans (including the 2003-2007 implementation plan) developed by the action agencies and to provide input on the following major areas:

- how to better accomplish the BiOp actions
- how to better coordinate with the region

Ruff suggested that one area for the IT to focus its efforts is an attempt to reach consensus on the suite of experiments needed to inform the key policy decisions that still confront the region. Nigro agreed that this would be useful.

As you're all aware, said Athearn, the 2000 BiOp has been remanded in the NWF v. NMFS lawsuit; until that suit is resolved, however, the Corps is continuing to operate under that BiOp and work toward its implementation. We plan to also go to various regional forums -- TMT, SCT and the Council, among others -- to brief them on the implementation planning process, Athearn added. He noted that regional input on the FY'04-FY'08 plans is due to him by July 31.

4. Overview of NOAA's Findings Letter of May 14, 2003.

Ruff said NOAA Fisheries signed the findings letter on May 14, covering the adequacy of the 2003-2007 implementation plan. Mainly this was a programmatic check-in, to see how well the actions called for in the BiOp are being implemented, he said, the bottom line is that we felt there were seven actions that needed to be better-defined. Ruff distributed copies of the findings letter; this lengthy document is available as Enclosure F.

Ruff went briefly through the seven actions identified as needing further definition. In response to a question, Ruff noted that the major funding for construction of the Chief Joseph flow deflectors construction has yet to be appropriated; any support the non-federal parties can provide for that funding to the Northwest Congressional delegation would likely be very helpful.

5. Update on Federal Caucus Activities.

Jim Fodrea said much of the Caucus activity in recent months has been related to the remand on the 2000 FCRPS Biological Opinion -- we're working on the first quarterly report to Judge Redden, he said, identifying the activities we'll need to include in the report, including

what can be counted as offsite activities that are occurring to improve fish survival. The criteria the judge gave us include the fact that these activities need to have gone through ESA consultation, or will do so within the next year. For non-federal actions, the test of whether something counts is tied to the regs and consultation handbook, Fodrea said. The first check-in report is due on September 2, with further reports due every three months thereafter. We have until June 2004 to fix the deficiencies Judge Redden has pointed out in the BiOp, Ruff said. Fodrea added that the plaintiff's request to vacate the Biological Opinion has been denied.

With respect to other activities, we've been talking about ways to work with NOAA to fix the BiOp in the short-term, Fodrea said; other potential approaches include re-consultation to modify our proposed actions. We could also expand the scope of the Biological Opinions to include the actions of other federal agencies whose actions have an impact on salmon recovery, including the Forest Service and BLM, he said. What about FERC's activities? Tweit asked. That's worth thinking about, Fodrea replied, but FERC is not presently a participant in the Federal Caucus.

In terms of ongoing activities, he continued, the Caucus is also involved in the development of the 2003 check-in report. The next meeting of the Caucus is July 8, he added; we're meeting every other Tuesday.

6. Status of Council Mainstem Amendment Process.

Bruce Suzumoto said the Council's Mainstem Amendments are now complete; what we're trying to do now is put together a work plan for their implementation, he said. He distributed a matrix titled "Preliminary Staff Draft Mainstem Implementation Workplan," (Enc. D) then spent a few minutes going through its contents. Suzumoto noted that, while these tasks have been grouped by category (spill, spring and summer reservoir operations etc.) they have not yet been prioritized. Suzumoto noted that Council staff is also working to identify potential additional funding sources for this work in the future.

Mainly, said Suzumoto, I wanted to hand this out today and ask that the IT members review it, then provide any comments they may have directly to me. He said he will email an electronic version of the implementation matrix to Kathy Ceballos for distribution to the IT membership. The main point is that we want to coordinate the mainstem amendment implementation process as fully as possible with the BiOp and CRFM funding process, Suzumoto said. He asked that any comments be provided to him within the next two weeks.

7. Next IT meeting Date.

The next regularly scheduled Implementation Team meeting was set for Thursday, August 7. Meeting summary prepared by Jeff Kuechle, BPA contractor.